

JUNE 20, 2018

RULES COMMITTEE PRINT 115–79
TEXT OF H.R. 2083, ENDANGERED SALMON AND
FISHERIES PREDATION PREVENTION ACT

**[Based on the text of H.R. 2083, as reported by the Committee
on Natural Resources.]**

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Endangered Salmon
3 and Fisheries Predation Prevention Act”.

4 **SEC. 2. SENSE OF CONGRESS.**

5 It is the sense of the Congress that—

6 (1) prevention of predation by pinnipeds, recov-
7 ery of salmonid stocks listed under the Endangered
8 Species Act of 1973 (16 U.S.C. 1531 et seq.), and
9 prevention of the future listings of fish stocks in the
10 Columbia River under such Act are a vital priority;
11 and

12 (2) the Federal Government should continue to
13 fund lethal and nonlethal removal of pinnipeds as
14 well as deterrence measures for preventing such pre-
15 dation.

1 **SEC. 3. TAKING OF PINNIPEDS ON THE COLUMBIA RIVER**
2 **AND ITS TRIBUTARIES TO PROTECT ENDAN-**
3 **GERED AND THREATENED SPECIES OF SALM-**
4 **ON AND OTHER NONLISTED FISH SPECIES.**

5 Section 120(f) of the Marine Mammal Protection Act
6 of 1972 (16 U.S.C. 1389(f)) is amended to read as fol-
7 lows:

8 “(f) TEMPORARY MARINE MAMMAL REMOVAL AU-
9 THORITY ON THE WATERS OF THE COLUMBIA RIVER AND
10 ITS TRIBUTARIES.—

11 “(1) REMOVAL AUTHORITY.—Notwithstanding
12 any other provision of this Act, the Secretary may
13 issue a permit to an eligible entity to authorize the
14 intentional lethal taking on the waters of the Colum-
15 bia River and its tributaries of individually identifi-
16 able pinnipeds that are part of a population or stock
17 that is not categorized under this Act as depleted or
18 strategic for the purpose of protecting—

19 “(A) species of salmon, steelhead, or
20 eulachon that are listed as endangered species
21 or threatened species under the Endangered
22 Species Act of 1973 (16 U.S.C. 1531 et seq.);
23 and

24 “(B) species of lamprey or sturgeon that
25 are not listed as endangered or threatened but
26 are listed as a species of concern.

1 “(2) PERMIT PROCESS.—

2 “(A) IN GENERAL.—An eligible entity may
3 apply to the Secretary for a permit under this
4 subsection.

5 “(B) DEADLINE FOR CONSIDERATION OF
6 APPLICATION.—The timelines and procedures
7 described in subsection (c) shall apply to appli-
8 cations for permits under this subsection in the
9 same manner such timelines apply to applica-
10 tions under subsection (b).

11 “(C) COORDINATION.—The Secretary shall
12 establish procedures for coordination among eli-
13 gible entities, including application procedures
14 and timelines, geographic and species-specific
15 considerations, and monitoring and periodic re-
16 view.

17 “(D) DURATION OF PERMIT.—A permit
18 under this subsection shall be effective for not
19 more than 5 years and may be renewed by the
20 Secretary.

21 “(3) LIMITATIONS ON ANNUAL TAKINGS.—The
22 process for determining limitations on annual take
23 of pinnipeds will follow the process established in
24 subsection (c) and the cumulative number of
25 pinnipeds authorized to be taken each year under all

1 permits in effect under this subsection shall not ex-
2 ceed 10 percent of the annual potential biological re-
3 moval level for pinnipeds.

4 “(4) QUALIFIED INDIVIDUALS.—Intentional le-
5 thal takings under this subsection shall be humane
6 and shall be implemented by agencies or qualified in-
7 dividuals described in subsection (c)(4), or by indi-
8 viduals employed by the eligible entities described in
9 paragraph (6).

10 “(5) SUSPENSION OF PERMITTING AUTHOR-
11 ITY.—If, 5 years after the date of the enactment of
12 the Endangered Salmon and Fisheries Predation
13 Prevention Act, the Secretary, after consulting with
14 State and tribal fishery managers, determines that
15 lethal removal authority is no longer necessary to
16 protect salmonid and other fish species from
17 pinniped predation, the Secretary shall suspend the
18 issuance of permits under this subsection.

19 “(6) ELIGIBLE ENTITY DEFINED.—

20 “(A) IN GENERAL.—

21 “(i) DEFINITION.—In this subsection,
22 subject to subparagraph (B), the term ‘eli-
23 gible entity’ means—

24 “(I) with respect to removal in
25 the mainstem of the Columbia River

1 and its tributaries, the State of Wash-
2 ington, the State of Oregon, and the
3 State of Idaho;

4 “(II) with respect to removal in
5 the mainstem of the Columbia River
6 and its tributaries, the Nez Perce
7 Tribe, the Confederated Tribes of the
8 Umatilla Indian Reservation, the Con-
9 federated Tribes of the Warm Springs
10 Reservation of Oregon, the Confed-
11 erated Tribes and Bands of the
12 Yakama Nation, and the Columbia
13 River Intertribal Fish Commission;
14 and

15 “(ii) DELEGATION AUTHORITY.—The
16 Secretary may allow an eligible entity de-
17 scribed in clause (i)(II) to delegate its au-
18 thority under a permit under this sub-
19 section to any entity described in clause
20 (i)(II).

21 “(B) ADDITIONAL ELIGIBILITY.—

22 “(i) IN GENERAL.—Subject to the ap-
23 proval of the Secretary and in consultation
24 with the Indian Tribes in subparagraph
25 (A)(i)(II)—

1 “(I) the State of Washington
2 may enter into a memorandum of un-
3 derstanding with the Cowlitz Indian
4 Tribe for deterrence and removal of
5 sea lions on the Cowlitz River.

6 “(II) the State of Oregon may
7 enter into a memorandum of under-
8 standing with the Confederated Tribes
9 of the Grand Ronde Community of
10 Oregon and the Confederated Tribes
11 of Siletz Indians of Oregon for deter-
12 rence and removal of sea lions on the
13 Willamette River.

14 “(ii) CONSIDERATIONS.—In deter-
15 mining eligibility under this subparagraph,
16 the Secretary shall consider the capacity of
17 each Indian tribe to manage wildlife to
18 meet the requirements of this Act.

19 “(7) INDIVIDUAL EXCEPTION.—For purposes of
20 this section, any pinniped located upstream of Co-
21 lumbia River river mile 112, or in any tributary to
22 the Columbia River that includes spawning habitat
23 of threatened or endangered salmon or steelhead is
24 deemed to be individually identifiable.

1 “(8) SIGNIFICANT NEGATIVE IMPACT EXCEP-
2 TION.—For purposes of this section, any pinniped
3 located in the mainstem of the Columbia River up-
4 stream of river mile 112, or in any tributary to the
5 Columbia River that includes spawning habitat of
6 threatened or endangered salmon or steelhead is
7 deemed to be having a significant negative impact on
8 the decline or recovery of salmonid fishery stocks de-
9 scribed in subsection (b)(1).

10 “(9) DEFINITION.—In this subsection, the term
11 ‘Indian tribe’ has the meaning given such term in
12 section 4 of the Indian Self-Determination and Edu-
13 cation Assistance Act (25 U.S.C. 5304).”.

14 **SEC. 4. TREATY RIGHTS OF FEDERALLY RECOGNIZED IN-**
15 **DIAN TRIBES.**

16 Nothing in this Act or the amendments made by this
17 Act shall be construed to affect or modify any treaty or
18 other right of an Indian Tribe (as defined in section 4
19 of the Indian Self-Determination and Education Assist-
20 ance Act (25 U.S.C. 5304)).

Amend the title so as to read: “A bill to allow for
the taking of pinnipeds on the Columbia River and its
tributaries to protect endangered and threatened species
of salmon and other nonlisted fish species.”.

